

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1021 OF 2010

(Arising out of S.L.P. (Crl.) No.520 of 2006)

Pradipta Kumar Swain

...Appellant(s)

Versus

State of Orissa and Ors.

...Respondent(s)

O R D E R

Leave granted.

In this appeal, the short question which arises for our consideration is that Respondent No.3 had filed a complaint under Sections 498-A and 379 of the Indian Penal Code [for short, 'I.P.C.']. Learned counsel appearing for the appellant submit that now there has been a compromise between the parties as Respondent No.3 has remarried and has a child from the second marriage.

Despite service of notice, she has not appeared in this Court. It is quite evident that she is not interested in pursuing the complaint under Sections 498-A and 379 I.P.C.

We have heard learned counsel appearing for the appellant as also for the State.

On the consideration of the totality of the facts and circumstances of the case that Respondent No.3 has remarried and has a child from her second marriage as also she has not appeared before this Court and in view of the compromise between the parties, learned counsel for the appellant

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submits that permanent alimony has already been given to her and she has no surviving grievance, we deem it appropriate to quash the First Information Report under Sections 498-A and 379 I.P.C. and Section 4 of the Dowry Prohibition Act read with Section 34 I.P.C.

The appeal is, accordingly, disposed of.

.....J.
[DALVEER BHANDARI]

.....J.
[GYAN SUDHA MISRA]

New Delhi,
May 07, 2010.

